

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LABORATORY SKIN CARE, INC. :  
and ZAHRA MANSOURI, :  
: Plaintiffs, :  
: :  
v. : Civil Action No. 06-601-JJF  
: :  
LIMITED BRANDS, INC. :  
and BATH AND BODY WORKS, LLC, :  
: Defendants. :  
: :

O R D E R

At Wilmington, this 19 day of October 2009, for the reasons set forth in the Memorandum Opinion issued this date,

IT IS HEREBY ORDERED that:

1. Defendants' Motion For Leave to Supplement Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. § 102 (D.I. 152) is **GRANTED**.
2. Plaintiffs may seek one deposition from the Schering-Plough Corporation regarding the Solarcaine® product. Following the deposition, Plaintiffs may pursue limited follow-up document discovery from Schering-Plough.
3. The Cross Motion Of Plaintiffs' Laboratory Skin Care, Inc. And Zahra Mansouri To Preclude Defendants From Relying On The 1980 PDR Reference (D.I. 170) is **GRANTED**.

4. Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. § 102 (D.I. 128) is DENIED.
5. With respect to Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. § 102(b) (D.I. 125), pursuant to the Court's patent case Summary Judgment Procedure Order, the Court orders the parties to submit full briefing.
6. In conjunction with the complete briefing of Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. § 102(b) (D.I. 125), the parties shall also submit complete briefing on the issue of whether the Solarcaine® product constitutes anticipatory prior art to the patent-in-suit.
7. Within five (5) days of the date of this Order, the parties shall submit to the Court a proposed schedule for the completion of the above described summary judgment briefing.

  
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UNITED STATES DISTRICT JUDGE